



# CITY COUNCIL Agenda

Aug. 31, 2021, 3 p.m.

Council Chamber  
1200 Carlsbad Village Drive  
Carlsbad, CA 92008

## Welcome to Your City Council Meeting

We welcome your interest and involvement in the city's legislative process. This agenda includes information about topics coming before the City Council and the action recommended by city staff. You can read about each topic in the staff reports, which are available on the city website and in the Office of the City Clerk. The City Clerk is also available to answer any questions you have about City Council meeting procedures.

## How to watch



### City cable channel

Charter Spectrum channel 24  
AT&T U-verse channel 99.



### City website

[carlsbadca.gov/news/citytv.asp](https://carlsbadca.gov/news/citytv.asp)

## Virtual meeting format

- Per California Executive Order N-29-20, and in the interest of public health and safety, we are temporarily taking actions to prevent and mitigate the effects of the COVID-19 pandemic by holding City Council and other public meetings online only.
- All public meetings will comply with public noticing requirements in the Brown Act and will be made accessible electronically to all members of the public seeking to observe and address the City Council.

## How to participate

- **By phone:** Sign up at <https://www.carlsbadca.gov/city-hall/meetings-agendas> by 2 p.m. the day of the meeting to provide comments live by phone. You will receive a confirmation email with instructions about how to call in.
- **In writing:** Email comments to [clerk@carlsbadca.gov](mailto:clerk@carlsbadca.gov). Comments received by 2 p.m. the day of the meeting will be shared with the City Council prior to the meeting. When e-mailing comments, please identify in the subject line the agenda item to which your comments relate. All comments received will be included as part of the official record. **Written comments will not be read out loud.**
- These procedures shall remain in place during the period in which state or local health officials have imposed or recommended social distancing measures.

## Reasonable accommodations

Persons with a disability may request an agenda packet in appropriate alternative formats as required by the Americans with Disabilities Act of 1990. Reasonable accommodations and auxiliary aids will be provided to effectively allow participation in the meeting. Please contact the City Manager's Office at 760-434-2821 (voice), 711 (free relay service for TTY users), 760-720-9461 (fax) or [manager@carlsbadca.gov](mailto:manager@carlsbadca.gov) by noon on the Monday before the meeting to decide.

*IN THE EVENT A QUORUM OF THE CITY COUNCIL LOSES ELECTRICAL POWER OR SUFFERS AN INTERNET CONNECTION OUTAGE THAT IS NOT CORRECTED WITHIN 15 MINUTES, THE MEETING WILL AUTOMATICALLY BE ADJOURNED. ANY ITEMS NOTICED AS PUBLIC HEARINGS WILL BE CONTINUED TO THE NEXT REGULARLY SCHEDULED MEETING OF THE CITY COUNCIL. ANY OTHER AGENDA ITEMS THE COUNCIL HAS NOT TAKEN ACTION ON WILL BE PLACED ON A FUTURE AGENDA.*

**More information about City Council meeting procedures can be found at the end of this agenda and in the Carlsbad Municipal Code chapter 1.20. PLEASE NOTE: AS A RESULT OF THE WAIVERS IN EXECUTIVE ORDER N-29-20, THE BROWN ACT PERMITS FULL PARTICIPATION BY OFFICIALS IN MEETINGS THROUGH VIDEO OR AUDIO TELECONFERENCE.**

*The City Council also sits as the Carlsbad Municipal Water District Board, Public Financing Authority Board, Community Development Commission and Successor Agency to the Redevelopment Agency. When considering items presented to the Carlsbad Municipal Water District Board, each member receives an additional \$100 per meeting (max \$300/month). When considering items presented to the Community Development Commission each member receives an additional \$75 per meeting (max \$150/month).*

**CALL TO ORDER:** 3 p.m.

**ROLL CALL:** Hall, Blackburn, Acosta, Bhat-Patel.

**ANNOUNCEMENT OF CONCURRENT MEETINGS:** None.

**INVOCATION:** None.

**PLEDGE OF ALLEGIANCE:** Mayor Pro Tem Blackburn led the Pledge of Allegiance.

**APPROVAL OF MINUTES:** None.

**PRESENTATIONS:**

Oath of Office Ceremony for District 1 City Council Member Appointee Peder Norby

Presentation in recognition of 2020 Citizen of the Year Jimmy Ukegawa

State of the City presentation

**PUBLIC REPORT OF ANY ACTION TAKEN IN CLOSED SESSION:** No reportable action.

**PUBLIC COMMENT:** *The Brown Act allows any member of the public to comment on items not on the agenda. Please treat others with courtesy, civility, and respect. In conformance with the Brown Act and California Executive Order No. N-29-20, a total of 15 minutes is provided so members of the public may participate in the meeting by submitting comments as provided on the front page of this agenda. The City Council will receive comments as requested up to a total of 15 minutes in the beginning of the meeting. All other comments will be heard at the end of the meeting. In conformance with the Brown Act, no action can occur on these items.*

**CONSENT CALENDAR:** *The items listed under Consent Calendar are considered routine and will be enacted by one motion as listed below. There will be no separate discussion on these items prior to the time the Council votes on the motion unless members of the Council, the City Manager, or the public request specific items be discussed and/or removed from the Consent Calendar for separate action.*

**WAIVER OF ORDINANCE TEXT READING:** None.

This is a motion to waive the reading of the text of all ordinances and resolutions at this meeting.

1. **AWARD OF CONTRACT TO MCGRATH RENTCORP FOR INSTALLATION OF TEMPORARY TRAILERS FOR THE POLICE AND FIRE HEADQUARTERS RENOVATION PROJECT, CIP PROJECT NO. 4715** – Adoption of a resolution accepting the bids received, awarding a contract to McGrath RentCorp, a California Corporation, dba Mobile Modular Management Corporation for installation of temporary trailers for the Police and Fire Headquarters Renovation Project, CIP Project No. 4715, in an amount not to exceed \$1,204,309 and denying Gilman Builders, Inc.'s bid protest. (Staff contact: Steven Stewart, Public Works and Mikey Williams, Police Department)

**ACTION: Adopted Resolution No. 2021-196 – 5/0.**

2. **AWARD OF CONTRACT TO ALL AMERICAN ASPHALT FOR CONSTRUCTION OF THE 2020-21 PAVEMENT OVERLAY, CIP PROJECT NO. 6001-200L** – Adoption of a resolution accepting bids and awarding a contract to All American Asphalt, a California Corporation, for construction of the Fiscal Year 2020-21 Pavement Overlay, for CIP Project No. 6001-200L, in an amount not to exceed

\$4,636,132. (Staff contact: Hossein Ajideh, Public Works)

**ACTION: Adopted Resolution No. 2021-197 – 5/0.**

3. ADVERTISE FOR BIDS FOR PHASE II OF THE EL CAMINO REAL AND CANNON ROAD INTERSECTION IMPROVEMENT PROJECT, CIP PROJECT NO. 6042 – Adoption of a resolution approving plans and specification and authorizing the City Clerk to advertise for bids for Phase II of the El Camino Real and Cannon Road Intersection Improvements Project, CIP Project No. 6042. (Staff contact: Brandon Miles, Public Works)

**ACTION: Adopted Resolution No. 2021-198 – 5/0.**

4. AWARD OF CONTRACT TO PORTILLO CONCRETE, INC. FOR THE FISCAL YEAR 2020-21 AMERICANS WITH DISABILITIES ACT IMPROVEMENT PROGRAM, CIP PROJECT NO. 6049-21 – Adoption of a resolution accepting bids and awarding a contract to Portillo Concrete, Inc. for construction of the Fiscal Year 2020-21 Americans with Disabilities Act Improvement Program, CIP Project No. 6049-21, in an amount not to exceed \$640,650. (Staff contact: Scott Lyle, Public Works)

**ACTION: Adopted Resolution No. 2021-199– 5/0.**

5. ADVERTISE FOR BIDS FOR THE 2021 SLURRY SEAL AND FOG SEAL PROJECT, CIP PROJECT NO. 6001-21SS – Adoption of a resolution approving the plans and specification and authorizing the City Clerk to advertise for bids for the 2021 Slurry Seal and Fog Seal, CIP Project No. 6001-21SS. (Staff contact: Hossein Ajideh, Public Works)

**ACTION: Adopted Resolution No. 2021-200 – 5/0.**

6. FISCAL YEAR 2019-20 GROWTH MANAGEMENT PLAN MONITORING REPORT – Adoption of a resolution accepting the fiscal year 2019-20 Growth Management Plan Monitoring Report. (Staff contact: Corey Funk, Community Development)

**ACTION: Adopted Resolution No. 2021-201 – 5/0.**

**ORDINANCES FOR INTRODUCTION:** None.

**ORDINANCES FOR ADOPTION:**

7. ORDINANCE NO. CS-399 ELECTRIC VEHICLE CHARGING STATIONS – Adoption of Ordinance No. CS-399 adding a new Chapter 18.22 Electric Vehicle Charging Stations to the City of Carlsbad Municipal Code pursuant to state law. (Staff contact: Faviola Medina, City Clerk's Department)

**City Manager's Recommendation:** Adopt the ordinance.

**ACTION: Adopted Ordinance No. CS-399 – 5/0.**

**PUBLIC HEARINGS:** None.

**DEPARTMENTAL AND CITY MANAGER REPORTS:**

8. DEAD HERITAGE TREE – FOLLOW-UP ON THE DISPOSITION OF A TREE STUMP AND BURL ON GRAND AVENUE – Adoption of a resolution directing staff to grind the stump and burl of a dead heritage street tree and remove the wood chips from the public right of way on the south side of Grand Avenue, east of Jefferson Street. (Staff contact: Kyle Lancaster, Parks & Recreation)

**City Manager's Recommendation:** Adopt a resolution.

**ACTION: Adopted Resolution No. 2021-202 – 5/0.**

9. PROVIDE A \$3.1 MILLION LOAN FROM THE HOUSING TRUST FUND TO THE BRIDGE HOUSING FOR THE AVIARA APARTMENTS AFFORDABLE HOUSING PROJECT – Adoption of a resolution approving a \$3,100,000 loan from the Housing Trust Fund to BRIDGE Housing for the Aviara Apartments Affordable Housing Project (DEV 2017-0033). (Staff contact: Mandy Mills, Housing & Homeless Services)

**City Manager's Recommendation:** Adopt the resolution.

**ACTION: Adopted Resolution No. 2021-203 – 5/0.**

10. DECLARE THE EXISTENCE OF A CITY CLERK VACANCY AND CONSIDER OPTIONS TO FILL THE VACANCY – Adoption of a resolution declaring the existence of a City Clerk vacancy and consider options to fill the vacancy. Depending on the option selected by City Council, by motion take one of the following actions:

1. Adopt resolutions:
  - Calling for a special election on Tuesday, April 12, 2022, for the election of a City Clerk for a term ending November 2022 as required by the provisions of the laws of the State of California relating to charter cities
  - Requesting consolidation services from the San Diego County Registrar of Voters for the April 12, 2022, special election
  - Adopting regulations for candidates for elective office pertaining to candidates' statements submitted to the voters at the special election to be held in the City of Carlsbad on Tuesday, April 12, 2022; or
2. Direct staff to prepare a notice of vacancy and return to City Council on Sept. 14, 2021, outlining a proposed application and appointment process for City Council approval; or
3. Introduce an ordinance amending the Carlsbad Municipal Code allowing the office of the City Clerk to remain vacant when less than 16 months exists on a term. (Staff contact: Faviola Medina, City Clerk Department and Sheila Cobian, City Manager Department)

**City Manager's Recommendation:** Adopt a resolution declaring the existence of a City Clerk vacancy, consider the options to fill the vacancy and by motion provide direction to staff as appropriate.

**ACTION: Minute motion by Council Member Bhat-Patel, second by Council Member Acosta to return to the City Council at a future meeting to provide information and data relating to the City Clerk position becoming appointed rather than elected; Adopted Resolution No. 2021-204; and Introduced Ordinance No. CS-400 – 5/0.**

11. DESIGNATION OF VOTING DELEGATE AND ALTERNATE FOR THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE – Adopt a resolution designating a voting delegate and alternate for the League of California Cities Annual Conference to be held in Sacramento on September 22-24, 2021. (Staff contact: Faviola Medina, City Clerk Department)

**City Manager's Recommendation:** Adopt the resolution.

**ACTION: Adopted Resolution No. 2021-205 appointing Council Member Acosta as the voting delegate and Council Member Bhat-Patel as the alternate – 5/0.**

## **COUNCIL COMMENTARY AND REQUESTS FOR CONSIDERATION OF MATTERS:**

### **City Council Regional Assignments (Revised 7/20/21)**

<b>Matt Hall</b> <b>Mayor</b>	North County Mayors and Managers Buena Vista Lagoon JPC Chamber of Commerce Liaison (primary) San Diego County Water Authority SANDAG Board of Directors (primary) City Council Legislative Subcommittee Economic Development Subcommittee Homeless Action Subcommittee
<b>Keith Blackburn</b> <b>Mayor Pro Tem – District 2</b>	Buena Vista Lagoon JPC Encina Joint Powers JAC Encina Wastewater Authority Board of Directors SANDAG Board of Directors (2 <sup>nd</sup> alternate) SANDAG Shoreline Preservation Working Group (alternate) Carlsbad Municipal Code and City Council Policy Update Subcommittee
<b>Priya Bhat-Patel</b> <b>Council Member – District 3</b>	City/School Committee Clean Energy Alliance JPA (primary) Economic Development Subcommittee League of California Cities – SD Division (alternate) North County Transit District (primary) North County Dispatch Joint Powers Authority (alternate) SANDAG Board of Directors (1 <sup>st</sup> alternate) SANDAG Shoreline Preservation Working Group (primary)
<b>Council Member – District 1</b> <b>Vacant</b>	
<b>Teresa Acosta</b> <b>Council Member – District 4</b>	Chamber of Commerce Liaison (alternate) City Council Legislative Subcommittee City/School Committee Clean Energy Alliance JPA (alternate) Encina Wastewater Authority Board of Directors (alternate) League of California Cities – San Diego Division North County Dispatch Joint Powers Authority North County Transit District (alternate)

### **PUBLIC COMMENT:** Continuation of the Public Comments

*This portion of the agenda is set aside for continuation of public comments, if necessary, due to exceeding the total time allotted in the first public comments section. In conformance with the Brown Act, no Council action can occur on these items.*

### **ANNOUNCEMENTS:**

This section of the Agenda is designated for announcements to advise the community regarding events that Members of the City Council have been invited to, and may participate in.

### **CITY MANAGER COMMENTS:**

## **CITY ATTORNEY COMMENTS:**

**ADJOURNMENT:** 4:53 p.m.

### **City Council Meeting Procedures *(continued from page 1)***

#### **Written Materials**

Written materials related to the agenda that are submitted to the City Council after the agenda packet has been published will be available for review prior to the meeting during normal business hours at the City Clerk's office, 1200 Carlsbad Village Drive and on the city website. To review these materials during the meeting, please see the City Clerk

#### **Visual Materials**

Visual materials, such as pictures, charts, maps or slides, are allowed for comments on agenda items, not general public comment. Please contact the City Manager's Office at 760-434-2820 or [manager@carlsbadca.gov](mailto:manager@carlsbadca.gov) to make arrangements in advance. All materials must be received by the City Manager's Office no later than noon the day before the meeting. The time spent presenting visual materials is included in the maximum time limit provided to speakers. All materials exhibited to the City Council during the meeting are part of the public record. **Please note that video presentations are not allowed.**

#### **Decorum**

All participants are expected to conduct themselves with mutual respect. Loud, boisterous and unruly behavior can interfere with the ability of the City Council to conduct the people's business. That's why it is illegal to disrupt a City Council meeting. Following a warning from the presiding officer, those engaging in disruptive behavior are subject to law enforcement action.

#### **City Council Agenda**

The City Council follows a regular order of business that is specified in the Carlsbad Municipal Code. The City Council may only make decisions about topics listed on the agenda.

#### **Presentations**

The City Council often recognizes individuals and groups for achievements and contributions to the community. Well-wishers often fill the chamber during presentations to show their support and perhaps get a photo. If you don't see an open seat when you arrive, there will likely be one once the presentations are over.

#### **Consent Items**

Consent items are considered routine and may be enacted together by one motion and vote. Any City Council member may remove or "pull" an item from the "consent calendar" for a separate vote. Members of the public may pull an item from the consent calendar by requesting to speak about that item. A speaker request form must be submitted to the clerk prior to the start of the consent portion of the agenda.

#### **Public Comment**

Members of the public may speak on any city related item that does not appear on the agenda. State law prohibits the City Council from taking action on items not listed on the agenda. Comments requiring follow up will be referred to staff and, if appropriate, considered at a future City Council meeting. Members of the public are also welcome to provide comments on agenda items during the portions of the meeting when those items are being discussed. In both cases, a request to speak form must be submitted to the clerk in advance of that portion of the meeting beginning.

#### **Public Hearing**

Certain actions by the City Council require a "public hearing," which is a time within the regular meeting that has been set aside and noticed according to different rules.

#### **Departmental Reports**

This part of the agenda is for items that are not considered routine and do not require a public hearing. These items are usually presented to the City Council by city staff and can be informational in nature or require action. The staff report about each item indicates the purpose of the item and whether or not action is requested.

#### **Other Reports**

At the end of each meeting, City Council members and the city manager, city attorney and city clerk are given an opportunity to share information. This usually includes reports about recent meetings, regional issues, and recent or upcoming meetings and events.

## **City Council Actions**

### **Resolution**

A resolution is an official statement of City Council policy that directs administrative or legal action or embodies a public City Council statement. A resolution may be introduced and adopted at the same meeting. Once adopted, it remains City Council policy until changed by subsequent City Council resolution.

### **Ordinance**

Ordinances are city laws contained in the Carlsbad Municipal Code. Enacting a new city law or changing an existing one is a two-step process. First, the ordinance is “introduced” by city staff to the City Council. If the City Council votes in favor of the introduction, the ordinance will be placed on a subsequent City Council meeting agenda for “adoption.” If the City Council votes to adopt the ordinance, it will usually go into effect 30 days later.

### **Motion**

A motion is used to propose City Council direction related to an item on the agenda. Any City Council member may make a motion. A motion must receive a “second” from another City Council member to be eligible for a City Council vote.